

NELSON MULLINS RILEY & SCARBOROUGH LLP

Jahmy S. Graham (SBN 300880)
jahmy.graham@nelsonmullins.com
Priscilla Szeto (SBN 305961)
priscilla.szeto@nelsonmullins.com
Crispin L. Collins (SBN 311755)
crispin.collins@nelsonmullins.com
19191 South Vermont Avenue, Suite 900
Torrance, CA 90502
Telephone: 424.221.7400
Facsimile: 424.221.7499

Attorneys for Defendant
TAWKIFY, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO

JEREMY STANFIELD, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

TAWKIFY, INC., et al.; and DOES 1 -25,

Defendants.

Case No. 3:20-cv-07000-WHA

Assigned to Hon. William H. Alsup

**REDACTED VERSION OF DOCUMENT
SOUGHT TO BE SEALED**

**DECLARATION OF THANE SCHULTZ IN
SUPPORT OF TAWKIFY'S OPPOSITION TO
PLAINTIFF'S MOTION FOR LEAVE TO
FILE A SECOND AMENDED COMPLAINT**

[Filed concurrently with Opposition to Plaintiff's
Motion for Leave to File Second Amended
Complaint and the Declaration of Thane Schultz in
support thereof]

Hearing Date: July 22, 2021

Hearing Time: 8:00 a.m.

Courtroom: 12

Date Removed: October 7, 2020

Date Filed: August 17, 2020

DECLARATION OF THANE SCHULTZ

I, Thane Schultz, hereby declare as follows:

1. I am over the age of 18 and make this declaration based on personal knowledge of the facts set forth herein. If called as a witness, I could and would testify competently as to the matters set forth in this Declaration. I submit this Declaration in support of Tawkify Inc.'s ("Tawkify") Opposition to Plaintiff's Motion for Leave to File Second Amended Complaint. I am the Head of Compliance at Tawkify. In my capacity as Head of Compliance, I am personally familiar with Tawkify's written policies and client records as well as how Tawkify maintains such business records. I have personally reviewed the below referenced business records and can testify to their authenticity and contents.

2. All initial calls with Tawkify's Member Service ("MS") representatives by potential Tawkify clients must be scheduled through a program called Calendly.

3. When a call is scheduled through Calendly, Tawkify notifies prospective clients (including Plaintiff) in writing that their calls with Tawkify MS representatives may be recorded before any call takes place. Specifically, the prospective client receives a written message via email stating that the call will be recorded for training or quality purposes.

4. Attached hereto as Exhibit A is a copy of the email notice that Plaintiff Jeremy Stanfield received upon his initial call with MS being scheduled through Calendly along with subsequent emails rescheduling that call.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 29, 2021.


Thane Schultz

EXHIBIT A

From: [REDACTED]
Date: June 16, 2020 at 3:33:36 AM EDT
To: [REDACTED]
Subject: Pleased to meet you
Reply-To: [REDACTED]
[REDACTED]

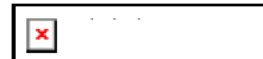
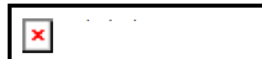
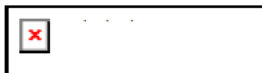
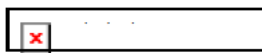


It's nice to "meet" you a little through your profile, Jeremy.

Our approach is simple: we find, screen, select and plan fun dates with the best candidates. What happens next? Book a quick call to go over our selection process and matching options. Let's figure out if we're a good match!

BOOK MY CALL

AS SEEN ON



READ OUR LOVE STORIES



JOIN OUR SOCIAL COMMUNITY



Have a question?

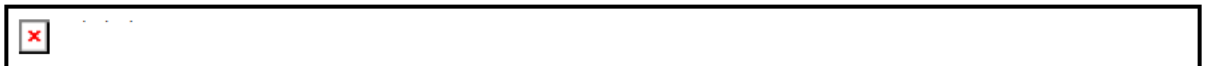
We've collected
a few stories to share!



Manage Preferences

Tawkify Inc 743 Clementina St San Francisco, CA, 94103

From: [REDACTED]
Date: June 16, 2020 at 3:34:37 AM EDT
To: [REDACTED]
Subject: A personal assistant for your dating life
Reply-To: [REDACTED]
[REDACTED]






Dating has never been easier or more worth your time! Our matchmakers screen potential matches before choosing any for you to meet, doing all the pre-work to introduce you to matches you just might like. Intrigued?

[LEARN MORE](#)

AS SEEN ON



<p>READ OUR LOVE STORIES</p>  <p>We've collected a few stories to share!</p>	<p>JOIN OUR SOCIAL COMMUNITY</p> 	<p>Have a question?</p> 
---	---	---

[Manage Preferences](#)

Tawkify Inc 743 Clementina St San Francisco, CA, 94103

From: "tawkifyms (via Calendly)" <notifications@calendly.com>
Date: June 16, 2020 at 2:19:51 AM EDT
To: [REDACTED]
Subject: Confirmed: Tawkify Call on Friday, June 19, 2020 and next steps
Reply-To: [REDACTED]

Hi Jeremy,

Thanks for booking your initial client screening, we look forward to learning more about you!

Next? Start a basic profile here: <http://tawkify.com/users/createAccount.php>

We are not a dating site, so only our matchmakers will see your confidential profile.

We'll call at 12:00pm (Pacific Time - US & Canada) on Friday, June 19, 2020 from this number (415) 682-6445. Look forward to answering any questions you have then.

Kind regards,

Team Tawkify

Note: This call may be monitored and recorded for record-keeping, training and quality-assurance purposes.

Add to Google Calendar

Add to iCal/Outlook

Make changes to this event:

Reschedule

Cancel

From: "tawkifyms (via Calendly)" <notifications@calendly.com>

Date: June 18, 2020 at 3:02:57 PM EDT

To: [REDACTED]

Subject: Reminder: Tawkify Call with Bea at 12:00pm (Pacific Time - US & Canada) on Friday, June 19, 2020

Reply-To: [REDACTED]

Hi Jeremy,

We look forward to learning more about you and your match preferences when we call tomorrow at 12:00pm (Pacific Time - US & Canada). We'll be calling from (415) 682-6445.

If you need to reschedule, you may do so conveniently below.

Warmly,
Your Tawkify Team

Make changes to this event:

Reschedule

Cancel

From: Tawkify Customer Success <customersuccess@tawkify.com>
Date: June 19, 2020 at 3:46:56 PM EDT
To: [REDACTED]
Subject: Re: Verify your email for Tawkify

##- Please type your reply above this line -##

Hi Jeremy,

Thanks for reaching out to us. Your request has been received as ticket #139520. We will be researching your experience and getting back to you as soon as possible.

Warmly,
Your Tawkify CS Team

This email is a service from Tawkify. Delivered by [Zendesk](#) | [Privacy Policy](#)

STANFIELD000156

[REDACTED]

From: [REDACTED]
Date: June 19, 2020 at 8:56:02 PM EDT
To: [REDACTED]
Subject: Invitation: Jeremy Stanfield @ Fri Jun 26, 2020 12pm - 12:30pm (PDT)
[REDACTED]

You have been invited to the following event.

Jeremy Stanfield

When Fri Jun 26, 2020 12pm – 12:30pm Pacific Time - Los Angeles

Calendar [REDACTED]

Who [REDACTED]

[more details »](#)

Going [REDACTED] [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [REDACTED] com because you are subscribed for invitations on calendar [REDACTED]

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More](#).

From: [REDACTED]
Date: June 26, 2020 at 11:52:40 PM EDT
To: [REDACTED]

Hi Jeremy!

I really enjoyed our conversation today and I've included some things to look at when you want to, just for fun. I know you're spending the weekend doing something fun with your daughter but there's no hurry to check this stuff out, but I did want you to have it.

Here are some sweet [Love Stories](#) and additional links to check out like this article - [DatingNews.com article](#) (dated but still relevant). I've also attached one additional thing to check out.

I look forward to getting things rolling for you on Monday. Just shoot me a text when you're ready for me to process your client package. In the meantime, this is my direct email or feel free to text me at [REDACTED] if I can be of any further assistance.

Best,

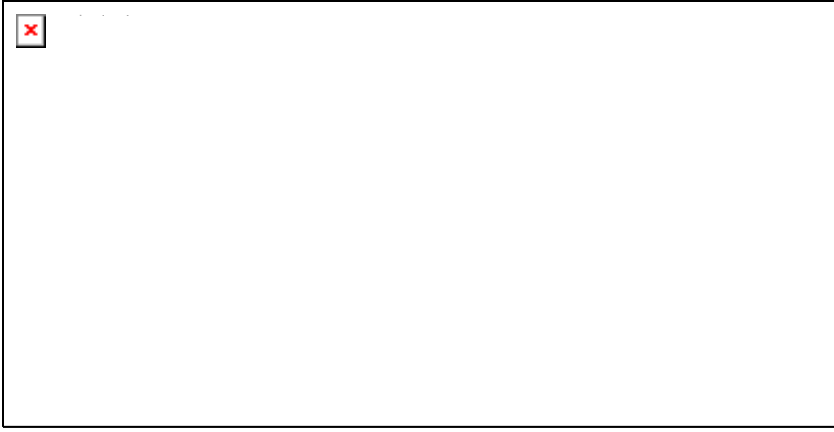
[REDACTED]

[REDACTED] | Member Services

tweet [@tawkify](#)

| insta
[@tawkify](#)





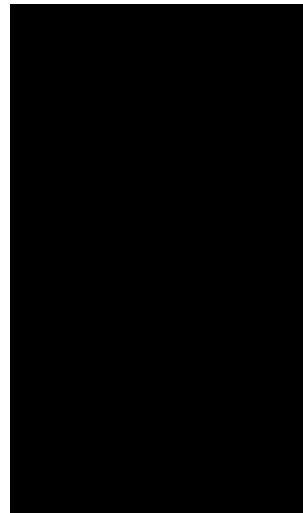
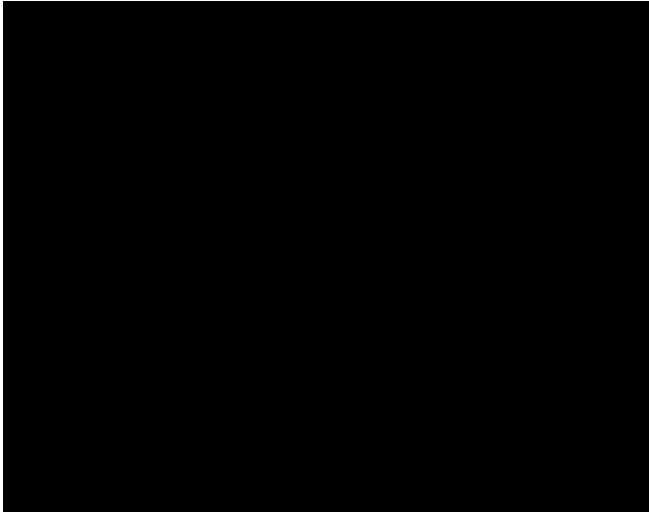
meet some Tawkify

COUPLES

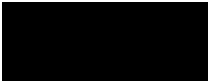
01



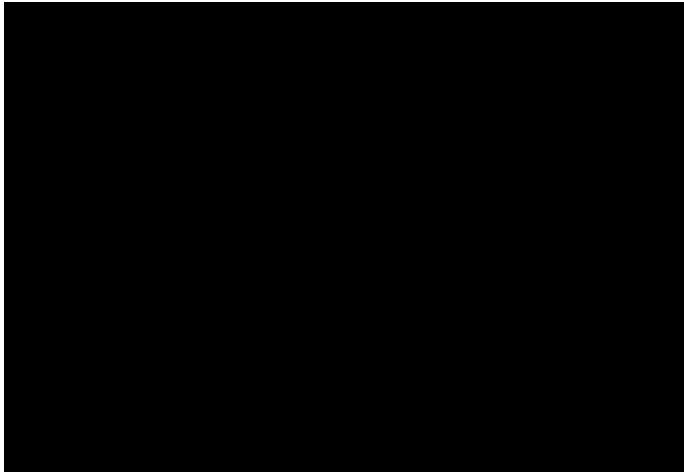
1st Date: 9.30.16



02



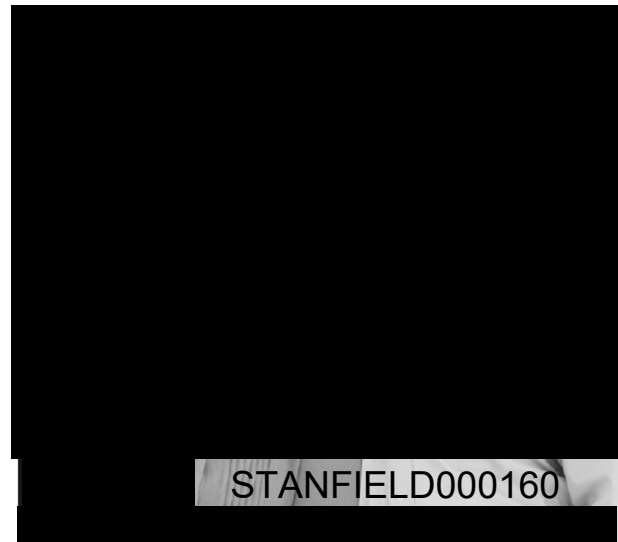
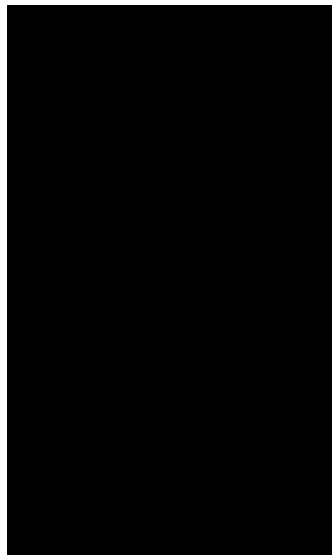
Wedding: 1.18.19



03



Married: 6.30.18

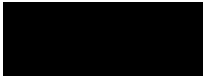


STANFIELD000160

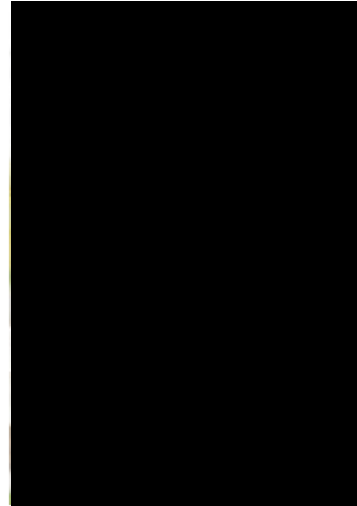
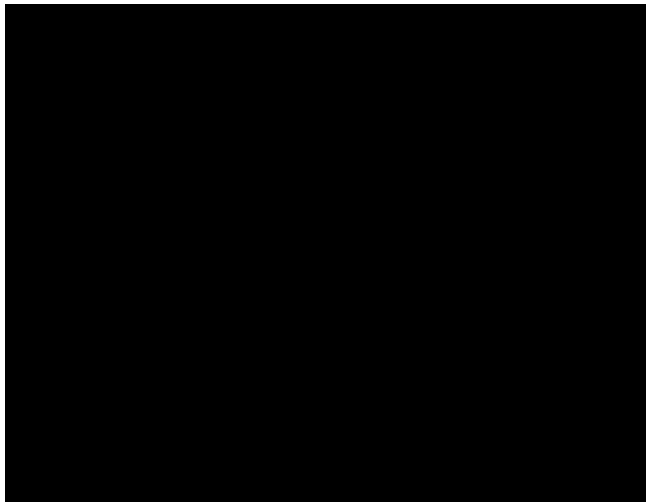
meet some Tawkify

COUPLES

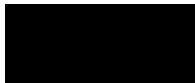
04



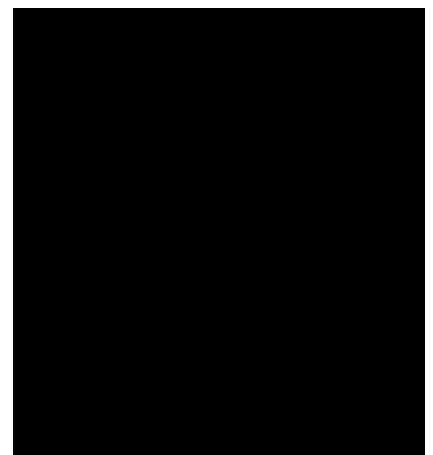
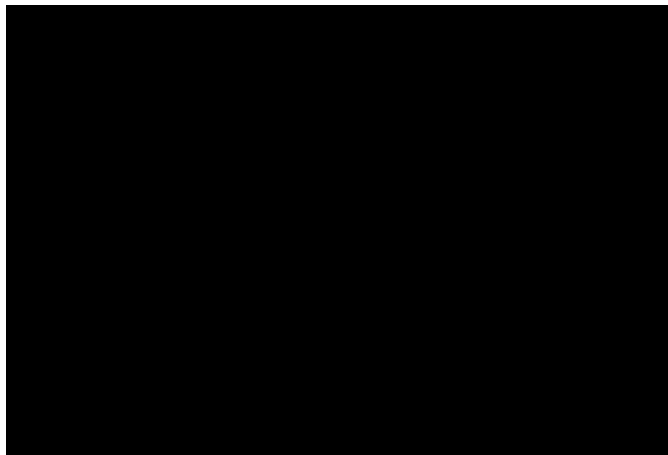
Engaged: 7.4.18



05



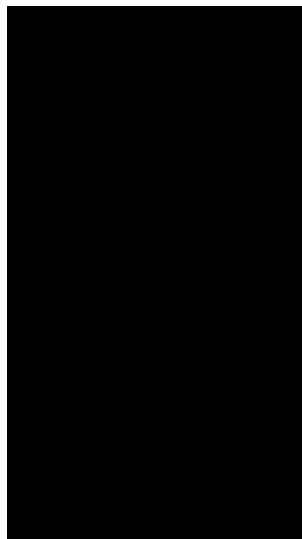
Wedding: 9.21.19



06



1st Date: 6.20.15



STANFIELD000161

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2021, I electronically filed the forgoing with the Clerk of court using the CM/ECF system and I served a copy of the forgoing pleading on all counsel for all parties via the CM/ECF system and/or mailing same by United States Mail, properly addressed, and first class postage prepaid, to all counsel of record in this matter.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed June 29, 2021 at Torrance, California.

By: /s/ Jahmy S. Graham
Jahmy S. Graham